## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CHEM RX PHARMACY SERVICES, LLC

Employer

29-RC-114881 29-RC-115184

and

CHEM RX EMPLOYEES UNION

Petitioner

## **DECISION, ORDER AND DIRECTION OF SECOND ELECTION**

The National Labor Relations Board has considered objections to an election by secret ballot was conducted on December 16, 2013, and the Hearing Officer's report recommending disposition of them. The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots for Unit A shows 158 ballots cast for the Petitioner, 92 ballots cast for the Intervenor, and 5 ballots cast against the participating labor organizations, with 0 void ballots and 1 challenged ballot, an insufficient number to affect the results. The tally of ballots for Unit B shows 18 ballots cast for the Petitioner, 15 ballots case for the Intervenor and 1 ballot cast against the participating labor organizations, with 0 void ballots and 0 challenged ballots, an insufficient number to affect the results.

No exceptions have been filed to the Hearing Officer's report within the time provided.

Accordingly, the Board adopts the Hearing Officer's findings and recommendations.<sup>2</sup>

**IT IS ORDERED** that the election conducted on December 16, 2013, be set aside and that a new election be conducted.

<sup>&</sup>lt;sup>1</sup> United Food and Commercial Workers Union, Local 2013.

<sup>&</sup>lt;sup>2</sup> The Hearing Officer recommended sustaining the Intervenor's objections. She further recommended that the December 16, 2013 election be set aside, and a new election held.

## **DIRECTION OF SECOND ELECTION**

A second election by secret ballot shall be conducted among the employees in the unit found appropriate whenever the Regional Director deems appropriate. The Regional Director shall direct and supervise the election, subject to the Board's Rules and Regulations. Eligible to vote are those employed during the payroll period ending immediately before the date of the Notice of Second Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that began less than 12 months before the date of the first election and who retained their employee status during the eligibility period and their replacements. Jeld-Wen of Everett, Inc., 285 NLRB 118 (1987). Those in the military services may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the payroll period, striking employees who have been discharged for cause since the strike began and who have not be rehired or reinstated before the election date, and employees engaged in an economic strike that began more than 12 months before the date of the first election and who have been permanently replaced. Those eligible shall vote whether they desire to be represented for collective bargaining by Chem Rx Employees Union and United Food and Commercial Workers Union, Local 2013.

To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of Notice of Second Election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to

comply w	vith this	requireme	nt shall be	grounds fo	r setting	aside the	election if	f proper o	objections
are filed.									

	Associate Executive Secretary
	/s/Farah Z. Qureshi
By direction of the Board:	
Dated, Washington, D.C., April 1, 2014.	